

## IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0655

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

WAYNE PERCY LINDSEY,

Defendant and Appellant.

FILED

MAY 13 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Lisa S. Korchinski, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until June 18, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 13<sup>th</sup> day of May, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
139 N. Last Chance Gulch  
P.O. Box 200145  
Helena, MT 59620-0145

By: *Joslyn Hunt*  
for LISA S. KORCHINSKI  
Assistant Appellate Defender

STATE OF MONTANA            )  
  : ss.  
County of Lewis and Clark    )

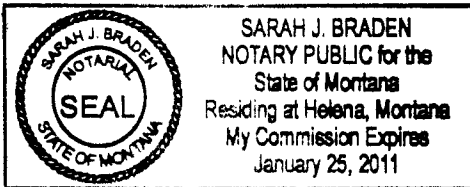
I, Joslyn Hunt, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as the Chief Appellate Defender.
2. In my capacity as Chief Appellate Defender, I have assigned Lisa S. Korchinski to handle the above-entitled matter.
3. The Appellant's opening brief was first due on March 18, 2010. The brief is presently due on May 19, 2010.
4. Ms. Korchinski has reviewed the case file and has almost completed reading the transcripts, she has identified issues for appeal, however, she cannot complete the opening brief by the current due date.
5. Ms. Korchinski will work diligently to complete the matter in the time requested.
6. Opposing counsel has been contacted concerning this motion and does not object.

7. Further your affiant sayeth naught.

Joslyn Hunt  
Joslyn Hunt

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of May, 2010.



Sarah J. Braden  
Sarah J. Braden

### CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
P.O. Box 201401  
Helena, MT 59620-1401

GEORGE H. CORN  
Ravalli County Attorney  
Courthouse  
205 Bedford Street, Suite C  
Hamilton, MT 59840

WAYNE PERCY LINDSEY 2151437  
Montana State Prison  
700 Conley Lake Road  
Deer Lodge, MT 59722

DATED: 5/13/2010

Sarah J. Braden